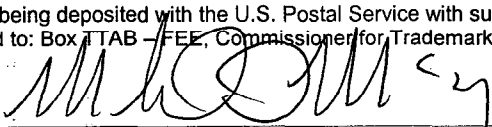


TTAB

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as Express Mail ET883324998US in an envelope addressed to: Box TTAB -- FEE, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, on the date below:	
2/2/2003	
Date	Signature

TRADEMARK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the matter of Registration No.: 2,532,912
by DUNMORE PROPERTIES S.A. for the Mark: **BINT ALARAB**

AMERICAN RICE, INC.,
Petitioner,
v.

DUNMORE PROPERTIES S.A.,
Registrant.



02-03-2003
U.S. Patent & TMO/TM Mail Rcpt Dt. #70

Cancellation No.:

PETITION FOR CANCELLATION

BOX TTAB -- FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Commissioner:

American Rice, Inc., a Delaware Corporation having its principal place of business at Suite 800,
10700 North Freeway, Houston, Texas 77037, believes that it is damaged by Registration No.

2,532,912 in International Class 30, and hereby petitions to cancel the same.

02/12/2003 KGIBBONS 00000030 2532912

01 FC:6401

300.00 OP

25259041.1

As grounds therefor, Petitioner alleges that:

1. Registration No. 2,532,912 is for the mark BINT ALARAB for "rice" in International Class 30. The registration is based on an Intent To Use application filed June 8, 1998.

2. Petitioner has since at least as early as July 1968 used the mark ABU BINT on rice.

3. Petitioner is the owner of Registration No. 1,195,316, filed November 12, 1980, covering the mark ABU BINT for rice in International Class 30.

4. Registrant's alleged date of first use of its mark, September 14, 2000, is subsequent to the date Petitioner began using its mark in commerce in the United States, which was at least as early as July 1968.

5. By virtue of its efforts and the expenditure of considerable sums for promotional activities, and by virtue of the quality of its goods, Petitioner has developed for its ABU BINT mark valuable recognition and goodwill. In particular, the mark ABU BINT has acquired a favorable reputation to consumers as an identifier and symbol of Petitioner and its goods.

6. On information and belief, the BINT ALARAB mark is actually three words, BINT, AL, and ARAB, which translates into "Arab Girl" or "Girl of the Arab," just as the specimen depicts.

7. Petitioner's mark translates into "Girl Brand", "Father, Daughter", "Father Of A Girl", and "Father of a Daughter," depending on the dialect.

8. On information and belief, Registrant was aware of the lawsuit between American Rice, Inc. and The Arkansas Rice Growers Cooperative Association over the marks ABU BINT and BINT AL-ARAB prior to filing its application for BINT ALARAB, in which lawsuit it was adjudicated that BINT AL-ARAB is confusingly similar to ABU BINT. See *American Rice, Inc. v. Arkansas Rice Growers Coop. Ass'n*, 532 F. Supp. 1376, 214 U.S.P.Q. (BNA) 936 (S.D. Tex.

1982), affirmed, *American Rice, Inc. v. Arkansas Rice Growers Coop. Ass'n*, 701 F.2d 408, 218 U.S.P.Q. (BNA) 489 (5th Cir. 1983).

9. On information and belief, Registrant is affiliated or associated with The Arkansas Rice Growers Cooperative Association, formerly adjudged to have infringed the '316 Registration by use of the mark BINT AL-ARAB.

10. On information and belief, Registrant was aware of the BINT AL-ARAB application, Application No. 73/193,373, which was cancelled in September 1983, prior to filing its application for BINT ALARAB.

11. Petitioner's mark ABU BINT has become famous.

12. Registrant began use of the mark BINT ALARAB after Petitioner's mark ABU BINT mark became famous.

13. Registrant's mark, BINT ALARAB, so nearly resembles Petitioner's mark ABU BINT as to be likely to be confused therewith and mistaken therefor. Registrant's mark is confusingly similar to Petitioner's mark so as to cause confusion and lead to deception as to the origin or sponsorship of Registrant's goods offered under Registrant's mark.

14. Petitioner is not connected in any way with Registrant or the goods offered by the Registrant under the mark BINT ALARAB.

15. Registrant's use of the mark BINT ALARAB causes dilution of the distinctive quality of Petitioner's mark.

16. If Registrant is permitted to retain the registration sought to be canceled, confusion in trade resulting in damage and injury to Petitioner would be caused and would result by reason of the similarity between Registrant's mark and Petitioner's mark. Persons familiar with Petitioner's mark ABU BINT are likely to believe Registrant's goods are affiliated with or sponsored by

Petitioner, and Petitioner's mark is likely to be diluted. Any such confusion and dilution would inevitably damage Petitioner.

WHEREFORE, Petitioner believes that it is or will be damaged by Registration No. 2,532,912, and petitions for cancellation thereof.

A duplicate copy of this Petition for Cancellation and the fee in the amount of \$300.00 as required in 37 C.F.R. § 2.6 are enclosed herewith. If the check is inadvertently omitted, or the amount is insufficient, or should any additional fees under 37 C.F.R. § 2.6 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Commissioner for Trademarks is authorized to deduct or credit said fees from or to Fulbright & Jaworski L.L.P. Account No.: 06-2375/0815617.

Please return the enclosed postcard to evidence receipt of this Petition for Cancellation.

Respectfully submitted,

Dated: 2/3/03

By: 

Michael S. McCoy
FULBRIGHT & JAWORSKI L.L.P.
1301 McKinney, Suite 5100
Houston, Texas 77010-3095
(713) 651-5100
(713) 651-5246 (FAX)

ATTORNEYS FOR PETITIONER,
AMERICAN RICE

FULBRIGHT & JAWORSKI L.L.P.

A REGISTERED LIMITED LIABILITY PARTNERSHIP
1301 MCKINNEY, SUITE 5100
HOUSTON, TEXAS 77010-3095

TELEPHONE: (713) 651-5151
FACSIMILE: (713) 651-5246

INTERNET ADDRESS:
MMCCOY@FULBRIGHT.COM

DIRECT DIAL: (713) 651-8216

HOUSTON
WASHINGTON, D.C.
AUSTIN
SAN ANTONIO
DALLAS
NEW YORK
LOS ANGELES
MINNEAPOLIS
LONDON
HONG KONG

February 3, 2003

VIA EXPRESS MAIL NO. ET883324998US

Box TTAB FEE

FEE

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513



02-03-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #70

Re: U.S. Trademark Registration No.: 2,532,912
Applicant: Dunmore Properties S.A.
Opposer: American Rice, Inc.
Mark: BINT ALARAB
Our Reference: HO-T00041US0 / Matter No. 08156617

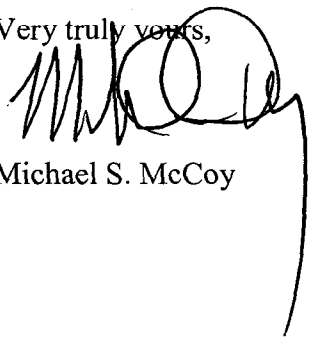
Dear Madam:

Attached hereto for filing are the following:

1. Petition for Cancellation
2. Check in the amount of \$300.00
3. Postcard.

Our check in the amount of \$300.00 covering the required fees is enclosed. The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 06-2375, under Order No. HO-T00041US0.

Very truly yours,


Michael S. McCoy

MSM/skd
Enclosures

25258931.1

DD